

LAW SOCIETY HEARING PANEL

BETWEEN:

TRIBUNALS OFFICE
FILED
Date JANUARY 17, 2013
Time 3:23 p.m.
Staff [Signature]

The Law Society of Upper Canada

Applicant

and

Demetrius Kotsakis

Respondent

APPLICATION UNDER subsection 34(1) of the *Law Society Act*, R.S.O. 1990, c.L.8, as amended.

NOTICE OF APPLICATION

TO THE RESPONDENT:

A CONDUCT PROCEEDING HAS BEEN COMMENCED by the Applicant. The claim made by the Applicant appears on the following pages.

THIS APPLICATION will come on for a hearing on **Friday, February 15, 2013, at 9:30 a.m.** at the offices of The Law Society of Upper Canada, Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

IF YOU OR YOUR REPRESENTATIVE FAIL TO ATTEND AT THE HEARING, THE PANELIST CONDUCTING THE HEARING MAY PROCEED IN YOUR ABSENCE.

Date of issue: JANUARY 17, 2013

TO: Demetrius Kotsakis
75 Seymour Dr
Ancaster, ON
L9G 4N3

APPLICATION

1. The applicant makes application for:
 - (a) a determination that the Respondent has contravened section 33 of the *Law Society Act* by engaging in professional misconduct; and
 - (b) its costs of this application.
2. The grounds for the application are: it is alleged that the Respondent has engaged in professional misconduct.
3. The particulars of the application are:

Failure to Co-operate with The Law Society of Upper Canada Spot Audit

- (1) Since September 2011, the Respondent failed to co-operate with a Law Society Spot Audit by failing to produce information and documentation requested of him, including books and records of his law practice, despite communications from the Law Society's Spot Audit Department, including written communications sent on or about September 8, 2011, November 17, 2011, December 15, 2011, January 19, 2012, electronic mail sent on April 26, 2012, and one telephone communication made on April 26, 2012, contrary to section 49.2 of the *Law Society Act* and Rule 6.02 of the *Rules of Professional Conduct*;

Failure to Respond and Co-operate with The Law Society of Upper Canada Investigation of Failure to Co-operate with Spot Audit

- (2) Since August 2012, contrary to section 49.3 of the *Law Society Act* and Rule 6.02 of the *Rules of Professional Conduct*, the Respondent failed to co-operate with a Law Society investigation by:
 - (a) failing to provide a substantive response to requests from the Law Society, made in letters dated August 13, 2012, September 24, 2012 and October 10, 2012,

electronic mail sent on October 19, 2012, and telephone communication on September 24, 2012; and

- (b) failing to produce information and documentation requested of him, including books and records of his law practice, in the communications referred to in particular 2 (a);

Failure to Co-operate with The Law Society of Upper Canada Investigation of the Complaint of JB

- (3) Since July 2012, contrary to section 49.3 of the *Law Society Act* and Rule 6.02 of the *Rules of Professional Conduct*, the Respondent failed to co-operate with a Law Society investigation by:

- (a) failing to provide a substantive response to requests from the Law Society regarding the complaint of JB, made in letters dated July 25, 2012, September 5, 2012 and October 10, 2012, electronic mail sent on October 19, 2012, and telephone communication on September 24, 2012; and
- (b) failing to produce information and documentation requested of him, including books and records of his law practice, in the communications referred to in particular 3 (a); and

Failure to Maintain Books and Records

- (4) From September 2011, the Respondent failed to maintain the proper books and records of his law practice, contrary to By-Law 9, s. 18 made pursuant to the *Law Society Act*.

Janice Duggan
Discipline Counsel
The Law Society of Upper Canada
Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

Tel.: 416.947.3468
Fax: 416.947.3927
E-mail: jduggan@lsuc.on.ca

The Law Society of Upper Canada
and
Applicant Demetrius Kotsakis
Respondent

Law Society Hearing Panel File No: LCN~~88~~8/13

LAW SOCIETY HEARING PANEL

Proceeding commenced at Toronto

NOTICE OF APPLICATION

Jamice Duggan, Discipline Counsel
The Law Society of Upper Canada
Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

Tel.: 416.947.3468
Fax: 416.947.3927
E-mail: jduggan@lsuc.on.ca